

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Subdivide a 46,985 square foot (1.08 acre) parcel into four single family residential lots, each lot 8,710 SF in area. The south portion of the site includes a steep slope critical area (approximately 13,690 SF) with slopes greater than 40%. The applicant has provided supporting geotechnical information to reduce the steep slope buffer from 50 feet to 10 feet, plus a 15-foot building setback. The steep slopes would be protected with a Native Growth Protection Easement (NGPE) on the lots. The proposal includes a separate stormwater tract (8,289 SF). The residential lots would be accessed off SE Croston Lane.

Proponent: Ted Jenneskens
22946 SE 53rd St
Issaquah, WA. 98027

Permit Number: SP14-00003 – Croston Lane Short Plat

Location of Proposal: Site address is 515 SE Croston Lane.

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment/Appeal Period: This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a 21-day combined comment/appeal period for this determination, between **March 4, 2015 to March 25, 2015**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

- 1) This threshold determination is based on review of the short plat plans, topographic survey, preliminary road and grading plan, preliminary water and sewer plan, preliminary storm drainage plan, and preliminary tree retention plan (Eastside Consultants, Inc.) received January 23, 2015; Level 1 Drainage Analysis (Eastside Consultants, Inc.) dated July 14, 2014; Geotechnical Assessment for Subsurface Infiltration and Slope Stability (Geotech Consultants, Inc.) dated April 8, 2013; Critical Areas Study/Geotechnical Assessment (Geotech Consultants, Inc.) dated January 21, 2015; Environmental Checklist received July 14, 2014; and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the short plan permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate

development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Short plats are categorically exempt from SEPA review, except where sites are located in environmentally critical areas (IMC 18.10.300.A). The subject site contains steep slope areas greater than 40%, which meets the definition of an environmentally critical area and therefore the proposal is not exempted from SEPA review per IMC 18.10.360. If a project is not categorically exempt because it is located within a critical area, environmental review is limited to: 1) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations [WAC 197-11-908(1)].
2. Steep slopes - Geotechnical reports (Geotech Consultants, Inc.) were prepared to evaluate geologic and soil conditions and recommended a reduction in the steep slope buffer from 50 feet to 10 feet, the minimum buffer width allowed in the City's critical area regulations. The City conducted a peer review (Amec Foster Wheeler) of the geotechnical reports and concurred with the analysis and recommended steep slope buffer reduction. The following conditions shall apply:
 - 1) The applicant shall submit a geotechnical report evaluating specific building plans and grading plans prior to the issuance of construction and building permits. The geotechnical report shall follow City of Issaquah Development Services "Soils Report Requirements." A third-party independent review of the geotechnical report may be required at the applicant's expense.
 - 2) The outer extent of the steep slope buffer shall be marked in the field with construction fencing to prevent clearing, grading and construction activity from encroaching into the buffer. Fencing shall be installed prior to starting clearing and grading activity.
 - 3) A split rail fence shall be installed at the outer edge of the steep slope buffer to prevent encroachment into the critical area from future residents.
 - 4) Permanent survey markers shall be installed to delineate the boundary of the steep slope buffer from the remaining lot area.
 - 5) The steep slope and buffer area shall be shown on the short plat plans as a Native Growth Protection Easement (NGPE) and the plans shall include text to protect the steep slope critical area in perpetuity.
3. Tree Retention – City code requires the retention of 30% of the total caliper of significant trees on a site. The tree retention is required outside of critical areas and associated buffers. The tree retention plan (Sheet 4 of 4) shows the proposal meets the tree retention requirements. The preserved trees are primarily native species which will contribute to habitat functions. Tree protection measures are required to protect retained trees from impacts during construction activity.
4. Traffic – A Certificate of Transportation Concurrency (CON14-00005) has been issued for the proposed short plat. It concluded the proposal would generate 5.05 new P.M. peak hour trips and is consistent with the requirements of the Transportation Concurrency Management Code, IMC 18.15.
5. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the

methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee is \$145.39 per new single family residence for the General Government Buildings mitigation fee and \$186.10 per new single family residence for the Police mitigation fee. The mitigation fee is paid at the time of building permit issuance and the actual fee amount is determined at that time. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist received July 14, 2014 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The applicant shall submit a geotechnical report evaluating specific building plans and grading plans prior to the issuance of construction and building permits. The geotechnical report shall follow City of Issaquah Development Services "Soils Report Requirements." A third-party independent review of the geotechnical report may be required at the applicant's expense.
2. The outer extent of the steep slope buffer shall be marked in the field with construction fencing to prevent clearing, grading and construction activity from encroaching into the buffer. Fencing shall be installed prior to starting clearing and grading activity.
3. A split rail fence shall be installed at the outer edge of the steep slope buffer to prevent encroachment into the critical area from future residents.
4. Permanent survey markers shall be installed to delineate the boundary of the steep slope buffer from the remaining lot area.
5. The steep slope and buffer area shall be shown on the short plat plans as a Native Growth Protection Easement (NGPE) and the plans shall include text to protect the steep slope critical area in perpetuity.
6. Clearing and grading activity shall be outside the critical root zone of retained trees. Approved tree protection measures shall be in place prior to any other construction or demolition activities. They may be installed in conjunction with limits of clearing and grading delineation.
7. The applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.

Responsible SEPA Official: Peter Rosen

Position/Title: Senior Environmental Planner

Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

Date: 3/4/2015

Signature: _____

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Issaquah Development Services Department
Issaquah Parks and Public Works Engineering Departments